

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA

v.

GORDON ERNST, et al.,

Defendants.

19-cr-10081-IT

**MOTION OF DEFENDANT JORGE SALCEDO TO
JOIN MOTIONS TO DISMISS THE INDICTMENT FILED
BY DEFENDANTS DONNA HEINEL AND JOVAN VAVIC**

Defendant Jorge Salcedo moves to join the motions to dismiss the Indictment filed by Defendants Donna Heinel and Jovan Vavic pursuant to Fed. R. Crim. P. 12(b)(3)(B) (Dkt. Nos. 264, 267) in this case. As grounds for this motion, Mr. Salcedo states:

1. In her motion, Ms. Heinel argues that Count One of the Indictment should be dismissed for failure to state a claim because it improperly uses a “pattern of racketeering activity” as a proxy for an “association-in-fact enterprise.” She further asserts that the Indictment fails to properly plead an association-in-fact enterprise because it fails to allege either a common purpose or a relationship joining the defendants in any coordinated activity towards the common purpose.

2. Similarly, in Mr. Vavic’s motion, he argues that the Indictment fails to allege to allege a single RICO conspiracy among the Enterprise and the various defendants, and that it fails to adequately allege that he joined the alleged RICO conspiracy.

3. Both motions to dismiss the indictment equally apply to Mr. Salcedo. Consequently, Mr. Salcedo wishes to advance the same arguments and requests permission to join in both motions.

4. The government will suffer no prejudice if the Court allows Mr. Salcedo’s motion.

CONCLUSION

For these reasons, Defendant Jorge Salcedo respectfully requests that the Court allow his motion to join the motions to dismiss the Indictment filed by Defendants Donna Heinel and Jovan Vavic.

Dated: October 16, 2019

By: /s/ Christina N. Lindberg
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LOCAL RULE 7.1(a)(2) CERTIFICATION

I hereby certify that, pursuant to Rule 7.1(a)(2) of the Local Rules of the United States District Court of Massachusetts, counsel for Mr. Salcedo conferred with counsel for the United States on October 16, 2019 regarding this motion, and Assistant United States Attorney Eric Rosen informed me that the United States has no objection to Mr. Salcedo joining the other codefendants' motions to dismiss.

/s/ Christina N. Lindberg
Christina N. Lindberg

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

/s/ Christina N. Lindberg
Christina N. Lindberg